

**MINUTES**  
**WV RACING COMMISSION**  
**Thursday, June 23rd, 2022**  
**WV Racing Commission Conference Room**

The WV Racing Commission met on June 23, 2022, to conduct business and consider administrative matters. Roll call was taken, and present were Chairman Ken Lowe Jr., and Commissioner JB Akers. Counsel was represented by Anthony Eates.

**Agenda Item #1 – HISA Discussion**

Director Joe Moore – Alex Waldrop is on the call with us today to answer any questions in more detail about the positions that the Commission would be required to fulfill for HISA should we choose to either enter into a voluntary agreement or come to some sort of understanding about duties that we would cover. The steward is required to regulate HISA's crop rule, which is a strict six strike limit for the entire race. I spoke with both tracks and the HISA representative about a way that we could facilitate those duties without being the regulator of them. I understand the racing office will take entries for horses that are not yet registered but they will have to be registered in time to meet the scratch time. Another position is that of a safety director, which really could be your reg vet. The third position, a reg vet under the HISA racetrack safety rule, is responsible for the same exact duties your reg vet is currently responsible for in addition to being present during training hours. The Commission reg vet are not present during training hours. In the absence of an agreement with HISA, they can then employ a lead vet that would be responsible for all HISA's rules related to the reg vet, and the state would still carry the financial burden of those employees.

Alex Waldrop – We are more than willing to enter into a letter agreement memorandum of understanding. I believe there's some flexibility. My job right now is to find a way to make this work for West Virginia. I think we can do that with your existing employees. I just ask for the ability to let me work with Joe to come up with a plan that I think works for all parties. I come to you to say I think there's a way we can resolve all these issues to your satisfaction.

Commissioner Ken Lowe – Who's going to pay for that?

Alex Waldrop – The tracks and the horseman.

Commissioner JB Akers – What happens if the veterinarians disagree on an issue prior to race time?

Alex Waldrop – HISA would be enforcing federal rules, those federal rules by statute will override the state level. Keep in mind, we're not looking for anything beyond the end of the year, at that time we'll be able to evaluate how it works and whether the regulatory veterinarian situation is untenable.

Commissioner JB Akers – I assume they're going to ask for more money, so what's the proposal in terms of where they would get the extra funding from?

Alex Waldrop – I will go back and see what I can do.

Commissioner JB Akers – Mr. Daniels, do you think you can fill these duties?

Dr. Daniels – The bulk of the duties as discussed are like our current duties, the main difference is observation of live training. Absorbing the role of training observation is all a matter of time, the prerace exams are done during training hours, so all our race day exams would have to change time. I'm going to maintain my flexibility as much as I possibly can.

Dr. Bohenko – I think West Virginia is in a little bit of a unique situation from a lot of the bigger tracks in that we only staff one Commission veterinarian at each track. I agree with Dr. Daniel we are running to cover all the basics as they are now. You'll find that most veterinarians want what is best for the horse and to comply with safety issues and regulations as they stand. I do agree that in adding additional duties to morning training, that's going to be an issue for just one person to be able to fulfill.

Director Joe Moore – The other issue, if a horse is or is not registered with HISA at scratch time, the horse isn't allowed to run. I wouldn't want a state steward responsible for scratching a horse out of a race since it is not our state rules as a reason for the scratch.

Alex Waldrop – In the case of the crop rule violations all we're asking for is an initial adjudication by your stewards, any appeal would go to HISA. I don't think we can come to an agreement on the phone, but I do think that we're very close.

Director Joe Moore – We either need to vote to allow the executive director to sign an agreed upon MOU with HISA at the discretion of the chairman, or we're going to have to have another meeting by June 30<sup>th</sup>.

Commissioner JB Akers – If this Commission empowers Mr. Moore to sign an MOU with HISA, is that going to be seen as a formal adoption of the HISA rules and regulations by the state of West Virginia at this time?

Alex Waldrop – Not in any way, we will not use this against you in any way.

Director Joe Moore – I would want Alex to draft a letter that HISA would accept after our discussions here today, and the Commission vote that Chairman Lowe and I alone can review and act on that letter.

Commissioner JB Akers – I would make a motion to approve Mr. Moore's request, empowering Chairman Lowe and Mr. Moore to enter a MOU that they believe is appropriate after further communications with Mr. Waldrop.

*Motion to approve Mr. Moore's request made by Commissioner JB Akers, seconded by Commissioner Ken Lowe. Motion passes.*

## **Agenda Item #2 – Public Comments**

*No Public Comments*

## **Agenda Item #3 – Adjournment**

*Motion to adjourn made by Commissioner JB Akers, seconded by Commissioner Ken Lowe. Motion passes.*